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9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF WASHINGTON**

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THERON AND LINDA RUST,) Case No. CV-11-3057-LRS
Plaintiffs,)
vs.) **COMPLAINT FOR VIOLATION**
) **OF FEDERAL FAIR DEBT**
) **COLLECTION PRACTICES ACT**
)
BITTNER & HAHN, PC AND)
COLUMBIA RECOVERY GROUP,)
LLC,)
Defendants.)

NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices
Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28
U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),
COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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1 where the acts and transactions giving rise to Plaintiffs' action occurred in this
2 district, where Plaintiffs reside in this district, and/or where Defendants' transact
3 business in this district.

5 **PARTIES**
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7 4. Plaintiffs, Theron and Linda Rust ("Plaintiffs"), are natural persons
8 who at all relevant times resided in the State of Washington, County of Yakima,
9 and City of Yakima.
10

11 5. Plaintiffs are "consumers" as defined by 15 U.S.C. § 1692a(3).
12

13 6. Defendant, Bittner & Hahs, PC ("B&H") is an entity which all
14 relevant times was engaged, by use of the mails and telephone, in the business of
15 attempting to collect a "debt" from Plaintiffs, as defined by 15 U.S.C. §1692a(5).
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17 7. B&H is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
18

19 8. Defendant, Columbia Recovery Group, LLC, ("CRG") is an entity
20 who acquires debt in default merely for collection purposes, and who at all
21 relevant times was engaged in the business of attempting to collect a debt from
22 Plaintiffs.
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24 9. CRG is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
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26 **FACTUAL ALLEGATIONS**
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28 10. Plaintiffs are natural persons obligated, or allegedly obligated, to pay
COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-2

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1 a debt owed or due, or asserted to be owed or due a creditor other than B&H.
2

3 11. Plaintiffs' obligation, or alleged obligation, owed or due, or asserted
4 to be owed or due a creditor other than B&H, arises from a transaction in which
5 the money, property, insurance, or services that are the subject of the transaction
6 were incurred primarily for personal, family, or household purposes.
7

8 12. Plaintiffs incurred the obligation, or alleged obligation, owed or due,
9 or asserted to be owed or due a creditor other than B&H.
10

11 13. B&H uses instrumentalities of interstate commerce or the mails in a
12 business the principal purpose of which is the collection of any debts, and/or
13 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
14 or asserted to be owed or due another.
15

16 14. CRG purchases debts once owed or once due, or asserted to be once
17 owed or once due a creditor.
18

19 15. CRG acquired Plaintiffs' debt once owed or once due, or asserted to
20 be once owed or once due a creditor, when the debt was in default.
21

22 16. CRG is thoroughly enmeshed in the debt collection business, and
23 CRG is a significant participant in B&H's debt collection process.
24

25 17. Defendant B&H, itself and on behalf of Defendant CRG, and in
26 connection with collection of an alleged debt, commenced legal action against
27

1 Plaintiffs in the state of Oregon, whereas Plaintiff are residents of the state of
2 Washington, and where said litigation was entirely with regard to an alleged debt
3 where neither Plaintiff entered into a contract in any manner with regard to the
4 debt at issue. (15 U.S.C. § 1692e(2)(A), 1692e(10), 1692f, 1692f(1),
5 1692i(a)(2)).
6
7

8 18. Defendants' actions constitute conduct highly offensive to a
9 reasonable person, and as a result of Defendants' behavior Plaintiffs suffered and
10 continues to suffer injury.
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COUNT I—VIOLATIONS OF THE FDCPA THERON RUST v. B&H

13 19. Plaintiffs repeat and re-alleges each and every allegation above.
14
15

16 20. Defendant B&H violated the FDCPA as detailed above.
17
18 WHEREFORE, Plaintiffs pray for relief and judgment, as follows:
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20

- a) Adjudging that B&H violated the FDCPA;
- b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action;

- 1 e) Awarding Plaintiffs any pre-judgment and post-judgment interest as
- 2 may be allowed under the law;
- 3
- 4 f) Awarding such other and further relief as the Court may deem just
- 5 and proper.

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7 **COUNT II—VIOLATIONS OF THE FDCPA**
LINDA RUST v. B&H

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- 9 21. Plaintiffs repeat and re-alleges each and every allegation above.
- 10 22. Defendant B&H violated the FDCPA as detailed above.

11 WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 13 g) Adjudging that B&H violated the FDCPA;
- 14 h) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C.
- 15 §1692k, in the amount of \$1,000.00;
- 16 i) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
- 17 j) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in
- 18 this action;
- 19 k) Awarding Plaintiffs any pre-judgment and post-judgment interest as
- 20 may be allowed under the law;
- 21 l) Awarding such other and further relief as the Court may deem just
- 22 and proper.

**COUNT III—VIOLATIONS OF THE FDCPA
THERON RUST v. CRG**

23. Plaintiffs repeat and re-alleges each and every allegation above.

24. Defendant CRG violated the FDCPA as detailed above.

WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- a) Adjudging that CRG violated the FDCPA;
- b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

**COUNT IV—VIOLATIONS OF THE FDCPA
LINDA RUST v. CRG**

25. Plaintiffs repeat and re-alleges each and every allegation above.

26. Defendant CRG violated the FDCPA as detailed above.

WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 1 g) Adjudging that CRG violated the FDCPA;
- 2
- 3 h) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C.
- 4 §1692k, in the amount of \$1,000.00;
- 5 i) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
- 6 j) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in
- 7 this action;
- 8 k) Awarding Plaintiffs any pre-judgment and post-judgment interest as
- 9 may be allowed under the law;
- 10 l) Awarding such other and further relief as the Court may deem just
- 11 and proper.

15 **TRIAL BY JURY**

16 Plaintiffs are entitled to and hereby demands a trial by jury.

18 Respectfully submitted this 18th day of May, 2011.

20
21 s/Jon N. Robbins
22 Jon N. Robbins
23 WEISBERG & MEYERS, LLC
Attorney for Plaintiffs